

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHERRY YALI LIU,  
Plaintiff,

v.

KAISER PERMANENTE EMPLOYEES  
PENSION PLAN FOR THE  
PERMANENTE MEDICAL GROUP, INC.,  
et al.,  
Defendants.

Case No. 23-cv-03109-AMO

**ORDER GRANTING  
ADMINISTRATIVE MOTION TO  
BIFURCATE MOTION TO DISMISS  
AND MOTION FOR SUMMARY  
ADJUDICATION**

Re: Dkt. No. 41

Before the Court is Defendants' Administrative Motion to Bifurcate Defendants' Motion to Dismiss the First Amended Complaint from Plaintiff's Motion for Summary Adjudication. Having read the parties' papers and carefully considered their arguments and the relevant legal authority, the Court hereby **GRANTS** the motion to bifurcate. In particular, the Court finds consideration of summary adjudication imprudent at this stage because Defendants represent that they require additional discovery to defend against Plaintiff's claims. *See generally* Fed. R. Civ. Pro. 56(d).<sup>1</sup> The Court prefers to consider summary adjudication on a fuller record.

The Court accordingly orders that:

- (1) Defendants' Motion to Dismiss the First Amended Complaint is bifurcated from Plaintiff's Motion for Summary Adjudication;
- (2) The opposition and reply briefs and hearing on Plaintiff's MSA are vacated;
- (3) The parties shall meet and confer on the briefing schedule and hearing date on

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<sup>1</sup> Rule 56(d) requires a showing "affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition." Despite Defendants' failure to comply with this requirement, the Court finds it appropriate to permit Defendants' discovery to fully defend against a motion for summary judgment.

Plaintiff's MSA and include this proposed schedule in the joint case management statement; and

(4) The Court will set these dates at the case management conference or in a post-case management conference scheduling order.

**IT IS SO ORDERED.**

Dated: February 6, 2024



**ARACELI MARTÍNEZ-OLGUÍN**  
**United States District Judge**